



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, May 11, 2016

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

Council Member Anthony Coleman, Ward 5

PRESENTATIONS:

20160466 22nd Annual Georgia Lineman's Rodeo

Recognition of Marietta Power employees for their outstanding overall performance at the 22nd Annual Georgia Lineman's Rodeo held at Camp John Hope near Fort Valley, Georgia on May 6-7, 2016.

PROCLAMATIONS:

20160465 Lemon Street High School "HORNETS"

Proclamation recognizing the Lemon Street High School "HORNETS" as the 1966 GIAC State Champions in this 50th Anniversary Year of the GIAC State Championship.

20160451 Proclamation - "Kids to Parks Day"

Mayor Steve Tumlin presents a Proclamation to Rich Buss, Parks and Recreation Director, Proclaiming Saturday, May 21, 2016 as "Kids to Parks Day," encouraging the children and parents in our City to go to a neighborhood, state or national park.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:**

Each speaker is allotted five (5) minutes.

20160375 Scheduled Appearance - Dr. John Morgan and Mr. Bruce Hicks

Would like to speak to council about "a proposed solution to the (unsheltered) homeless issue in Marietta/Cobb."

20160436 Scheduled Appearance - Ms. Jo Taylor, 1211 Aleamo Drive, Ward 6

Will speak to council about issues pertaining to Code Enforcement.

20160421 Scheduled Appearance - Mr. Larry Wills

Mr. Larry Wills would like to speak to council about "Redevelopment."

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:**20160416 Regular Meeting - April 13, 2016**

Review and approval of the April 13, 2016 regular meeting minutes.

*** 20160417 Special Meeting - April 27, 2016**

Review and approval of the April 27, 2016 special meeting minutes.

* **20160418 Executive Session Minutes**

Review and approval of the following executive session minutes:

May 28, 2014 Special Called Agenda Work Session

June 9, 2014 Agenda Work Session

June 25, 2014 Special Called Agenda Work Session

July 7, 2014 Agenda Work Session

July 9, 2014 City Council Meeting

July 30, 2014 Special Called Agenda Work Session

August 11, 2014 Agenda Work Session

August 13, 2014 Agenda Review Session

August 27, 2014 Special Called Agenda Work Session

September 8, 2014 Agenda Work Session

MAYOR'S APPOINTMENTS: (for informational purposes only)

20160391 Ethics Committee - Mayor's Appointment

Reappointment of Arthur D. Vaughn to the Ethics Committee (Mayor's Appointment) for a two (2) term expiring May 11, 2018.

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

* **20160280 Z2016-08 [REZONING] BROCK BUILT HOMES, LLC**

Z2016-08 [REZONING] BROCK BUILT HOMES, LLC is requesting the rezoning of 0.7 acres located in Land Lot 360, District 17, Parcel 0220, 2nd Section, Marietta, Cobb County, Georgia, and being known as 560 Haley Street from NRC (Neighborhood Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

The following stipulations are hereby incorporated as conditions of zoning:

- The attached site plan and tree plan, signed by the property owner and dated May 11, 2016 shall constitute the contemporaneously approved detailed plan. Architectural elevations of the building shall be submitted to City Council at a later date for consideration and approval prior to construction.

The following variance is hereby incorporated as a condition of zoning:

- Reduction of the required minimum tract size from 3 acres to 0.689 acres.

The Planning Commission recommends approval

Mr. Rosenbury made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. The motion carried 6 1 0. Ms. McCrae opposed.

PUBLIC HEARING (all parties are sworn in)

* **20160281 Z2016-07 [REZONING] JOHN & KRISTEN WILLS**

Z2016-07 [REZONING] JOHN & KRISTEN WILLS is requesting the rezoning of 1.1 acres located in Land Lots 283 & 288, District 20, Parcel 0380, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1409 Walcutts Way from R-20 (Cobb County - Single Family Residential) to R-2 (City - Single Family Residential 2 units/acre). Ward 4C.

The Planning Commission recommends approval.

Mr. Vanderslice made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6 1 0. Mr. Rosenbury opposed.

PUBLIC HEARING (all parties are sworn in)

* **20160282 A2016-01 [ANNEXATION] JOHN & KRISTEN WILLS**

A2016-01 [ANNEXATION] JOHN & KRISTEN WILLS requesting the annexation of property located in Land Lots 283 & 288, District 20, Parcel 0380 (also known as 1409 Walcutts Way), of the 2nd Section, Cobb County, Georgia consisting of 1.1 acres. Ward 4C.

The Planning Commission recommends approval.

Mr. Diffley made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. The motion carried 6 1 0. Mr. Rosenbury opposed.

PUBLIC HEARING (all parties are sworn in)

* **20160283 CA2016-03 [CODE AMENDMENT]**

CA2016-03 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lots 283 & 288, District 20, Parcel 0380, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1409 Walcutts Way, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4C.

The Planning Commission recommends approval.

Mr. Poor made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. The motion carried 6 1 0. Mr. Rosenbury opposed.

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson****2. Finance/Investment: Stuart Fleming, Chairperson****3. Judicial/Legislative: Philip M. Goldstein, Chairperson***** 20160324 Precinct Polling Place Change**

Request approval of an Ordinance to change the location of the polling place for Marietta 4C from Murray Arts Center at Mount Paran Christian School, 2250 Stilesboro Road, Kennesaw, GA 30152 to New Salem Baptist Church, 836 New Salem Road NW, Kennesaw, GA 30152.

*** 20160367 Revision to Zoning Stipulations (Z2007-12): 1183 & 1185 Franklin Road, 2120 Kingston Ct**

Motion to approve exterior building elevations for Bojangles drive-thru restaurant.

*** 20160377 Atlanta United Football Club - Revision to the Detailed Plan**

Motion to approve the attached building elevations for Atlanta United Football Club and to clarify that the fence along Franklin Gateway and eighty (80) linear feet along the sides will be decorative fencing. The remaining fencing around the side and rear of the property will be eight (8) feet tall, vinyl-coated, chain-link fencing with barbed wire at the top.

* **20160244 Wynhaven - Revised Detailed Plan**

Motion to approve the request by David Weekley Homes to change the approved detailed plan for Wynhaven, per the letter of stipulations dated May 10, 2011 from J. Kevin Moore, as well as the attached detailed plan, landscape plan, elevations signed by the owner and dated May 11, 2016.

In accordance with Section 708.20.J.4 of the Marietta City Code, David Weekley Homes is requesting the approval of these revisions to the detailed plan for Wynhaven.

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore.

* **20160366 Revised Detailed Plan - Marietta Walk Phase 1**

Motion to approve the request by Century Communities for Marietta Walk Phase 1 to revise the previously approved Detailed Plan to include the following:

1. Approval of additional home elevations (Drayton, Jameson, Stafford, Wendell), except that
false shutters must be added to the side elevations for Stafford Premier and Wendell Premier.
2. Approve the removal of the 22" Magnolia tree on Lot 1 and on the side of Wright Street.
3. Approve the installation of sidewalks consistently behind the curb throughout the development.

All other conditions of the previously approved Detailed Plan will remain in effect.

In accordance with Section 708.20.J.4 of the Marietta City Code, Century Communities is requesting the approval of these revisions to the detailed plan for Marietta Walk, Phase 1.

20160376 Jimmy Freeman and Keith Cristal - 800 Williams Drive

Motion to revise stipulations from Z-9926 Freeman-Watts-Remole (Northgate Extension), for property located in Land Lots 0800, 0801, 0802, 0855, 0856, and 0857, District 16, Parcel 002, 2nd Section, Marietta, Cobb County, Georgia and being known as 800 Williams Drive (formerly known as 1647 & 1648 Park Lane and 1597 & 1611 Dickson Drive).

The property owner, Mr. Jimmy Freeman, and the applicant, Mr. Keith Cristal, are requesting to amend the zoning stipulations from case #Z-9926 so as to waive the following requirements:

- Between the hours of 9:00pm to 7:00am no eighteen wheel trucks larger than a pickup truck will be allowed to park overnight with the engine running or idling.
- No automotive type businesses.
- No outside storage of any kind.

All other conditions and stipulations approved in conjunction with the approval to rezone the property on November 3, 1999, shall remain in full force and effect.

Councilman Goldstein disclosed that Keith Crystal is a tenant of Herbert S. Goldstein Family Limited Partnership, which he is a manager, owner and/or general partner.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

* **20160371 New Year's Eve Event Requests**

A motion authorizing the following items regarding the New Year's Eve event sponsored by the Branding Project:

1. The closure of the following streets on December 31, 2016 at 11:00 am and reopening by January 1, 2017 by 3:00 am, for the purpose of hosting the event; East Park, North Park, South Park and West Park Square;
Lawrence St. (Waddell St. to the square);
Cherokee St. (Hansell St. to the square);
Church St. (Hansell St. to the square);
Mill St. (railroad tracks to the square);
Whitlock (railroad tracks to the square);
Powder Springs St. (Anderson St. to the square);
Atlanta St. (Anderson St. to the square) and;
Roswell St. (Waddell St. to the square).
2. A waiver of City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park for the duration of the event.

Council member Goldstein has previously disclosed that he is a member or participant of Marietta Square Branding Project, Inc.

Council member Goldstein abstaining.

20160427 Funding Sources for Franklin Gateway Sports Complex

Motion to authorize the use of funding sources for Franklin Gateway Sports Complex as outlined in Option 2, with any contingency savings reallocated as Redevelopment Bond income.

* **20160373 Frasier/Manget Parkland**

A motion authorizing revisions to the conceptual plan reflecting a project not to exceed \$800,000 in construction costs with an additional appropriation of \$135,000 for land acquisition with funds from the 2009 Parks Bond.

Council member Coleman voting against.

20160357 Franklin Gateway Sports Complex

Motion approving the detailed site plan for the "Franklin Gateway Sports Complex" dated April 21, 2016; and, authorizing staff to proceed with the development of construction documents including all of the add alternates presented in the budget estimate for a total allocation of \$7,717,900.

5. Personnel/Insurance: Johnny Walker, Chairperson**6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson***** 20160364 Stream Buffer Variance Request at 337 Cherokee Street**

Motion authorizing a variance to the Stream Buffer Protection ordinance allowing the property owner at 337 Cherokee Street to construct improvements within the 75 foot impervious and 50 foot undisturbed stream buffer. All construction within the buffers must be approved by the Public Works Director. Owner is required to mitigate the impact to the buffers by revegetating the remaining stream buffer in accordance with measures approved by the Public Works Director.

Public Hearing Required

*** 20160365 Twin Brooks Drive No Parking Zones**

Motion authorizing the installation of no parking zones along the frontage of 1769 Twin Brooks Drive, as shown in Option 1.

*** 20160390 Speed Table Installation**

Motion to proceed with the process for the installation of a speed table on Gramling Street and West Dixie in front of Gramling Park, which consists of a public meeting with the community and public hearing before Council.

*** 20160420 GDOT CONTRACT**

Motion authorizing contract for acquisition for right-of-way with the Georgia Department of Transportation for SR3/US41@SE121 ALT. PI#: 0012607

OTHER BUSINESS:

20160285 V2016-15 [VARIANCE] KEITH CRISTAL

V2016-15 [VARIANCE] KEITH CRISTAL requesting variances for property located in Land Lots 800, 801, 802 & 856, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 800 Williams Drive, currently zoned LI (Light Industrial).

- Variance to allow gravel as an acceptable parking surface.

Councilman Goldstein disclosed that Keith Crystal is a tenant of Herbert S. Goldstein Family Limited Partnership, which he is a manager, owner and/or general partner.

20160236 V2016-13 [VARIANCE] JPC DESIGN & CONSTRUCTION, LLC

V2016-13 [VARIANCE] JPC DESIGN & CONSTRUCTION, LLC requesting variances for property located in Land Lot 714, District 17, Parcel 0050, 2nd Section, Cobb County, Georgia, and being known as 1200 Franklin Gateway, currently zoned CRC (Community Retail Commercial).

1. Variance to reduce the rear setback from 35' to 20'
2. Variance to reduce the planted border area along Franklin Gateway from 10' to 0'
3. Variance to reduce required parking from 28 to 25 spaces
4. Variance to reduce the minimum area required for planter islands from 125 sq.ft. to 72 sq. ft. and not contain a tree
5. Variance to reduce the setbacks for an accessory structure and allow it to be closer to the road than the principal building

20160469 Budget Amendment for Franklin Gateway Sports Complex

Ordinance approving an amendment to the Fiscal Year 2016 Budget to recognize and appropriate \$7,717,900 from various funds for the construction of the Franklin Gateway Sports Complex. The amount that is appropriated from Use of Reserves is pre-funded with a due to the General Fund. These funds will be repaid to the General Fund as funds become available from Redevelopment Bond income resulting from the sale, lease or rental of property.

20160422 Amendment to the January 8, 2014 Legistar #20140022 motion titled “2013 Redevelopment Bond”

Motion to amend Legistar Motion# 20140022 dated 1/8/2014 so that it shall read as follows “Motion that a fiscal policy be adopted as to the 2013 Redevelopment Bond and be it further resolved that any and all net proceeds including, but not limited to, derived from the sale of real property, lease income, and/or operating income from the original 2013 Redevelopment Bond issuance funds be designated for reinvestment in the Franklin Gateway area, as defined by the geographic map for Opportunity Zone 1 Expanded, or if not so reinvested, designated for bond debt retirement until debt is retired in its entirety rather than in all alternatives, proceeds becoming a general fund amount while bond debt is outstanding.

*** 20160461 Safe Places to Play Field Enhancement Grant Agreement**

Motion to approve a Safe Places to Play Field Enhancement Grant Agreement for Franklin Gateway Sports Complex field lighting.

*** 20160455 BLW Actions of May 9, 2016**

Review and approval of the May 9, 2016 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: